

Trespass and Risk-Taking Behaviour

Target Audience:

- Young people who use the public transport network
 - All ages
- Young people who may have been trespassing to graffiti or vandalise PTA property

Court Report Blurbs:

Transperth is concerned with the number of risk-taking behaviours on buses, trains and at stations. These activities aim to help young people understand the implications of their risk-taking behaviours, particularly around trains, and why these behaviours are considered risky. The examples provided enable young people to see the consequences of trespass and other behaviours from the point of view of someone doing the crime, the Train Driver, a rail incident survivor, and the first responding Transit Officer.

Activity One

Risky Business

The purpose of this activity is to provide the participant the opportunity to discuss and identify risk-taking behaviour and the impact it may have on other people as well as the perpetrator. Through the use of Jonathan Beninca's experience, as well as Drew Straker's experience the participant can discuss how risk-taking behaviour can have long lasting consequences.

Activity Instructions

1. Coordinators to read *A Personal Letter from Jonathan Beninca* to the participant.
2. Have a discussion with the participant about the predicament Jonathan now finds himself in.
3. Lead the discussion by asking the following questions?
 - a. Was Jonathan's behaviour risk-taking or was it just bad luck?
 - b. How could this incident have been avoided?
 - c. How do you think Jonathan's family and siblings related to this chain of events?
 - d. What was going through Jonathan's mind when he decided to walk down the track?
 - e. How do you think his friends would feel?
 - f. How has this incident affected Jonathan's life?
 - g. Imagine all the things Jonathan would have to re-learn? E.g. learn how to write again, learn how to drive with the accessibility attachments.
4. After the discussion has concluded, show video interview entitled "DREW" on the *Stay off the Tracks video interview DVD*.
5. Lead the discussion on risk-taking behaviour by asking the following questions:
 - a. What is safety?
 - b. What is the difference between an accident and choice?
 - c. What are some forms of risk?
6. After the discussion has concluded give out the Risky Business worksheet for the participant to complete based on the answers to the previous questions and the examples given.

Jonathan's Story (to read out)

A Personal Letter from Jonathan Beninca

I don't remember what day it is. I wake and gasp for air and it's hard to breathe. There's a lady at the end of my bed. She is watching me closely. My eyes close and I drift off to sleep.

I wake again, gasping and trying to breathe, the lady is still at the end of my bed, she is telling me to 'breathe with the machine'. I gasp even harder than before, trying to take a single breath.

I feel a hand on my shoulder. I look to my left. I notice a face. I look deep into her eyes, they are puffed red and tears are slowly fighting their way through. I think to myself: *"Mum, what's wrong?"*

I eventually relax. As I do, I start letting the machine control my breathing actions. I try to speak, though all that comes out is a deep husky sound.

I try to say: *"What happened to me?"*

Eventually my Mum understands. She replies, *"You were hit by a train."*

"Wow, hit by a train and I'm still alive!" I thought.

I can hardly move my body. *"What's going on here?"* I ask myself. Looking down I notice only one lump where my two feet should be.

I pass out again and then I wake several times, each time I see a different family member, tears swelling in their eyes, just staring at me.

Next time I wake in a room, a room very different from the one before. The lady standing at the foot of my bed is no longer there. It is a small room and there are no other people in it.



A Personal Letter from Jonathan Beninca (cont.)

Then I hear in the distance a group of people talking, their voices become louder and louder. I turn to my right and these people are in my room, dressed in white and some dressed in blue.

“Jonathan, you’ve been run over by a train,” a voice says. “We’ve had to amputate your right arm and right leg, also a couple of fingers, though we are not sure how many at this stage.”

Not understanding the situation, I just agree, I am so tired I can hardly speak. Then, held high in front of me was an x-ray, an x-ray of an arm. *“At least I’ve got all my fingers”* I think to myself.

I fall asleep again. When I wake I am being moved to a silver metal bed. It is so cold and hard and all these people are around me wearing masks. I close my eyes as hard as I can, hoping that it is all a dream.

I don’t know if it is hours or days later when I wake again, Mum is sitting to my right, her head slumped. “Mum,” I say. “What’s wrong? Where am I?”

“Don’t you remember Jonathan? You were hit by a train. The doctor’s have had to amputate your arm and leg,” she says.

What felt like days pass. Everyone remarked how well I had handled such a traumatic situation. That was when a nurse came into my room. “We have to remove your bandages today and give your wounds a clean,” she said.

I knew that I was missing my arm and leg. It still felt like they were there though. What I did not know was which fingers had been amputated as well.

When the nurse undid my bandages I finally saw what was left. My hand was so ugly, my middle and index fingers were missing. My hand did not look like any hand I had seen before. My ring finger was squashed nearly flat and it was a deep black colour. The doctor’s told me that they had tried their best to save my ring finger so I could have a normal life.

When the nurse left, I asked if she could close my curtains. Then I cried. It was so uncontrollable and nothing could stop it. I cried every night for one and a half years. It was the only way I could get to sleep.

My accident happened on 16 January 1999.

I realised bit-by-bit, as the days passed, who had been affected by my actions that night. I read the Police report. I read how the Train Driver had saved my life by releasing the emergency brakes just before he ran over me. I read about how the guard ran down the tracks after the Train Driver told him, “I think I just ran over a person.” The guard witnessed my amputated limbs lying on the tracks and my body convulsing.

A Personal Letter from Jonathan Beninca (cont.)

I read how a young Police Officer, who was only a couple of years older than myself, had sat on the tracks, next to me, his hand on my body, talking to me, trying to keep me awake.

I read how all these people were affected. I read how all these people saved my life! I don't know how to say sorry. I don't know how to fix what I did. It's been over seven years since my accident and in the last five and a half years I have not cried one tear. I have accepted responsibility for my actions.

I have three children now, one girl who is three years old, a boy who is one and a half years old and a newborn baby girl. They are my life, my world. If they put me through a situation like I put my mother through and what I put everyone else through, I really would not know how to cope.

I need to move on now. Every morning I wake I'm reminded of the mistake I made and every night I go to sleep I'm reminded yet again. I made plenty of mistakes as a young person - this mistake will be with me and will haunt me all the days of my life until I die.

Make the right choices in your life. Don't make a mistake that will last forever.

Sincerely



Jonathan Beninca

Activity Two

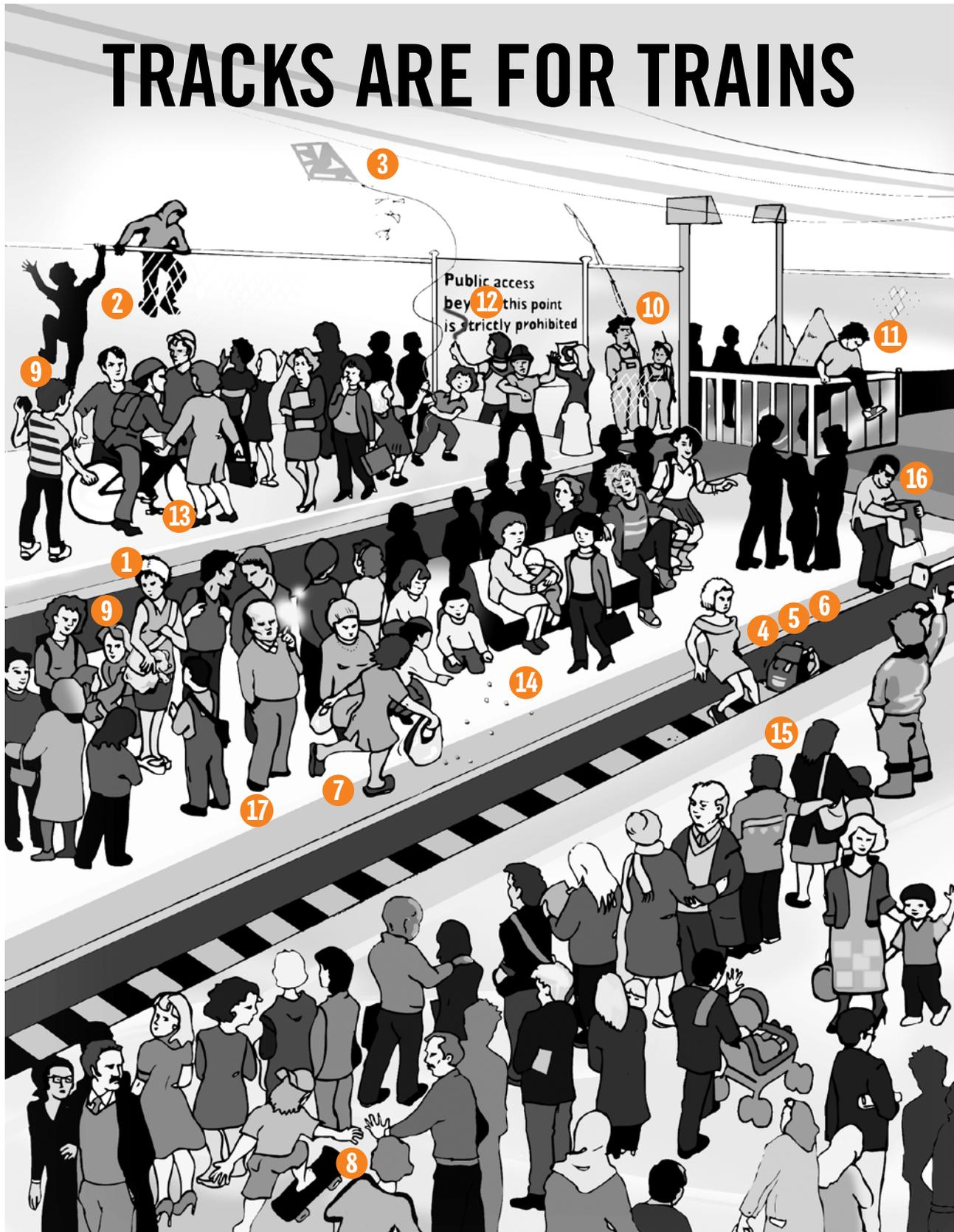
Tracks are for Trains

Transperth witnesses a variety of illegal and dangerous behaviours at train stations on a daily basis. This activity will provide the participant the opportunity to identify illegal and dangerous behaviours and their consequences. Through the examples on the poster participants will be able to discuss strategies to ensure their travel experience is safe. The video interview further reinforces the importance of staying off the tracks.

Activity Instructions

1. Coordinators to play the video interview entitled "PETER" on the *Stay off the Tracks video interview DVD*.
2. Lead the discussion with the following questions:
 - a. What does Peter do for a living?
 - b. How many years has Peter been with the Public Transport Authority?
 - c. What are some of the things Peter mentions he sees young people do at train stations?
 - d. Why should people respect the public transport system?
 - e. Why does Peter call a near-miss an "incident" and not an "accident"?
3. Coordinators can then hand out the Tracks are for Trains poster and have the participant circle the dangerous or risk-taking behaviours that they can identify. It is important to note that all these behaviours have been observed and reported as incidents by Transit Officers.
4. Coordinators can go through each behaviour the participant has circled and discuss why it is dangerous and illegal. If the participant has missed any make sure these are discussed.
5. Coordinator to hand out Tracks are for Trains worksheet and the participant is to list each behaviour from most dangerous to least dangerous and the reasons why. The answer sheet will give the coordinator all the reasons why each behaviour is dangerous and the consequences to the person committing the offence.





Tracks are for Trains

ANSWER SHEET

1. **Animals at the train station** – the only animals allowed on the train are registered working dogs who are accompanying and in support of a person with a disability or impairment. Any other animal is forbidden and if people are caught carrying other animals on the trains they will be refused passage and asked to leave the train and station. If the person refuses to comply then they will be given an on-the-spot fine of \$200 for *failure to comply with the refusal of passage*. If the situation escalates, they may be served a summons to appear in court where the maximum penalty is \$2,000.
2. **Trespassers will be prosecuted** – the boys climbing the fence are accessing the station in an unauthorised way. This means that they are trespassing. When people are caught trespassing, they will not be issued with a fine instantaneously. The Transit Officer will ask the offenders for their details, these will then be verified on-the-spot and if the details are correct they will be served a summons to appear in court. They will appear in court after being served a summons. The penalty the court will issue for trespassing is a \$200 fine.

If the offenders give the wrong details they will be arrested and taken to the East Perth Watch House where they will appear in court the next day or within that week.
3. **Kite flying** – flying kites near power lines is dangerous. It is a safety hazard to the girls flying the kite. The Transit Officer would issue the girls with a safety warning and educate them on the dangers of playing with objects so close to the railway power lines. Electricity jumps and the electrical power lines at the train station carry 25,000 volts which could seriously injure or kill you if you are electrocuted by them. Why so much power? They have to power trains that weigh up to 200 tonnes!
- 4, 5 and 6. **Throwing items on the rail tracks** – the person who threw the bag on to the rail tracks could be issued with an on-the-spot fine of \$50 for *creating a nuisance*. Depending on the severity of the offence, they may also be arrested and served a summons to appear in court where the maximum penalty is a \$250 fine. Penalties for creating a nuisance are issued to people who annoy or cause a nuisance to other passengers at the train station or on the train. If the woman jumps on the tracks to collect her bag she may also be charged with *trespass* and summonsed to appear in court. The penalty is \$200. Under no circumstances should any member of the public jump on to the rail tracks. The woman in this scenario needs to press the emergency button and let someone know her bag is on the rail tracks. The next train that will be travelling through the train station will be given warning and a Transit Officer or official railway worker will be sent to retrieve her bag safely.
7. **On the wrong side of the yellow line** – the lady would be issued a caution by the Transit Officers and educated on rail safety. Running in front of the yellow line, close to the platform edge, is very dangerous and can prove fatal. Trains can travel up to 130 kilometres per hour and if a person is close to the platform edge they can be pushed by the force of the train as it drives past and can be flung back on to the platform. Alternatively, they could also be sucked into the low pressure vacuum in between the rail cars, where they may hit the sharp equipment that connects the rail cars and subsequently be dragged under the train. There is also a chance the person could be pulled on to the rail tracks by the low pressure vacuum behind the train and apart from being severely injured they could also be run over by the oncoming train. During peak hour, trains can run between two and a half to three minutes apart, especially if express trains travel through the station.
8. **Skateboarding at the train station** – skateboarding is prohibited and dangerous to both the person skateboarding and the other passengers on the train station. The boy skateboarding may be given a \$50 on-the-spot fine for *causing a nuisance* or may be served a summons to appear in court where the maximum penalty is \$250.

Tracks are for Trains

ANSWER SHEET

9. Fighting at the train station – the boys will be served a summons for *disorderly conduct or violent behaviour* by fighting and most likely arrested on the spot. The maximum penalty that will be issued by the court is \$6,000. Fighting at train stations is dangerous, particularly when throwing objects across platforms which can injure innocent bystanders and also damage rail property.

Fighting or throwing objects in the train station that injures someone else – if the boys injure someone through their actions they will be arrested and served a summons for assault where the maximum penalty is up to \$36,000 and 10 years in prison, depending on the severity of the assault. This charge would be added to the disorderly conduct charge.

Damaging railway property – if the boys in this scenario damage any rail property, which is highly likely as they are throwing rocks from large distances, the summons for disorderly conduct will also include a charge for *destroying rail property*. This incurs a fine of \$200, though you may be served a summons to appear in court where the maximum penalty is \$2,000.

10. Fishing rod – the father in this scenario is behaving irresponsibly and is dangerously close to being electrocuted. His son, who is holding on to his father's pocket, will also be electrocuted as the electrical charge will be passed on from father to son. In this instance, if the Transit Officers are fortunate enough to stop them before electrocution, the father will be given a safety caution and educated on rail safety.

11. Crossing the train line when gates are closed – if the pedestrian gates are closed, this means a train is fast approaching and as they are silent, this boy may not realise he is in danger of being run over by the train. It is against the law to access the train station or cross a pedestrian crossing when the pedestrian gates are closed. The person will be served a summons for *trespass* and will be issued a maximum penalty of \$200.

12. Graffiti – the two girls tagging over a safety sign will be arrested. Their materials will be confiscated and may be destroyed. They will be served a summons to appear in court where they will be charged with damaging rail property. The maximum penalty is \$2,000. Vandalising the station with graffiti also attracts an added charge of having to pay for the cost of removing the graffiti.

13. Bikes during peak hour – bikes are not permitted on trains during peak hour. If the boy takes the bike on the train then he may be asked to leave the train and issued a \$50 on-the-spot fine for being a nuisance. If he does not cooperate and give his details he may get summonsed to appear in court and may be issued a \$2,000 maximum fine for creating a nuisance.

14. Marbles causing a nuisance – all the young people playing marbles would be issued with a \$50 on-the-spot fine for *causing a nuisance*. They will also be given a verbal caution for dangerous play.

15. Stealing – stealing is a criminal offence. The person will be arrested and sent to the police lock up. They will appear in court and the maximum penalty is seven years in prison.

16. Throwing large item on to track – this man is endangering the safety of hundreds of passengers. He will be arrested for *intentionally endangering the safety of persons travelling by railway*. He will be liable for imprisonment for twenty years.

17. Smoking at the train station – it is illegal to smoke at the train station. This will attract an on-the-spot fine of \$50.

Activity Three

On the Bus

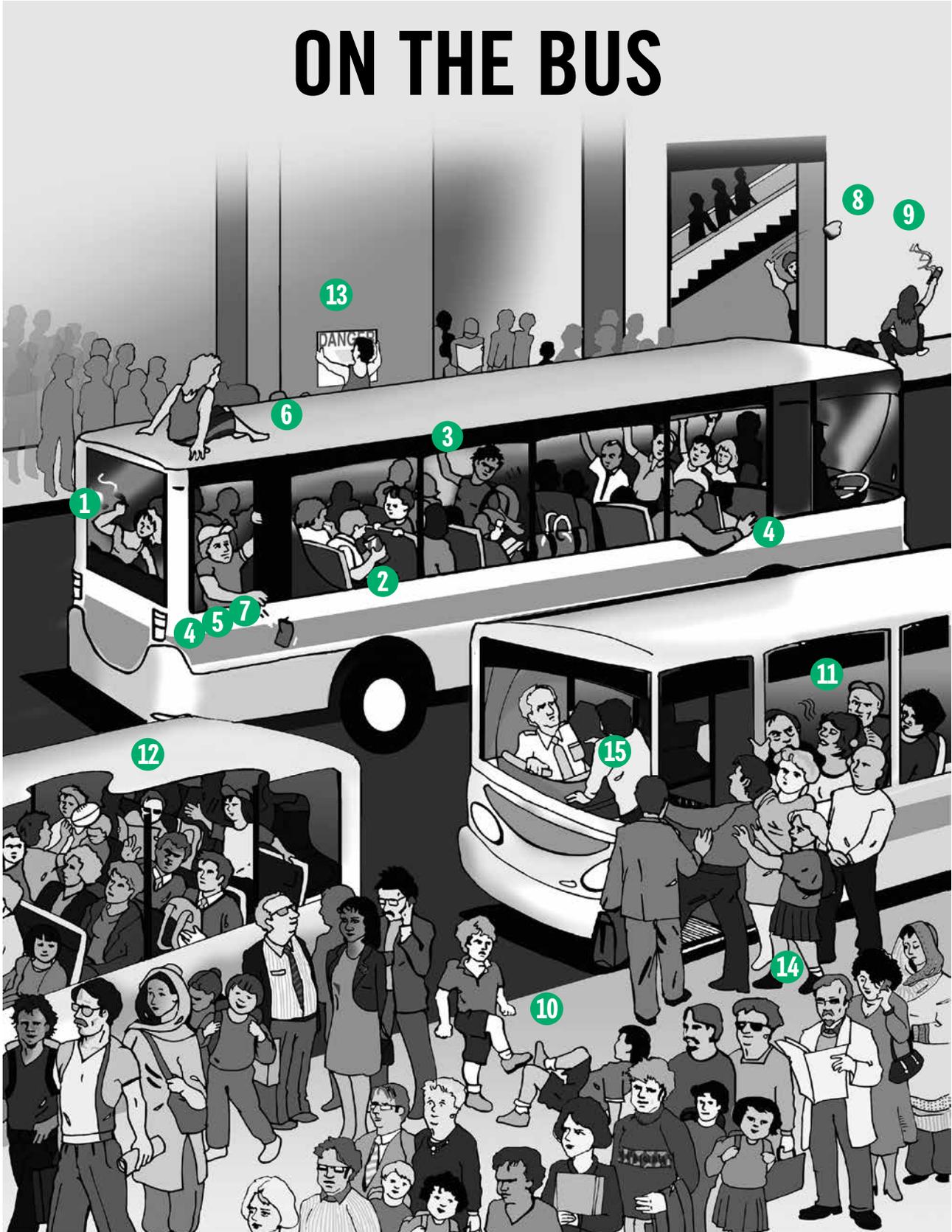
Transperth witnesses a variety of illegal and dangerous behaviours on buses and at bus stations on a daily basis. This activity will provide the participant the opportunity to identify appropriate and inappropriate behaviours and their consequences. Through the examples on the poster participants will be able to discuss strategies to ensure their travel experience is safe. The video interview further reinforces the importance of staying off the tracks.

Activity Instructions

1. Coordinators to play the video interview entitled "PETER" on the *Stay off the Track video interview DVD*.
2. Lead the discussion with the following questions:
 - a. What does Peter do for a living?
 - b. How many years has Peter been with the Public Transport Authority?
 - c. What are some of the things Peter mentions he sees young people do at train stations?
 - d. Why should people respect the public transport system?
 - e. Why does Peter call a near-miss an "incident" and not an "accident"?
3. Coordinators can then hand out the On the Bus poster and have the participant circle the dangerous or risk-taking behaviours that they can identify. It is important to note that all these behaviours have been observed and reported as incidents by Bus Security Officers.
4. Coordinators can go through each behaviour the participant has circled and discuss if it is inappropriate, dangerous or illegal. If the participant has missed any make sure these are discussed.
5. Coordinator to hand out the On the Bus worksheet and the participant is to list if each behaviour is inappropriate, dangerous or illegal and the reasons why. The answer sheet will give the coordinator all the reasons why each behaviour is dangerous and the consequences to the person committing the offence.



ON THE BUS



On the Bus

ANSWER SHEET

1. **Scratchies and other vandalism** – the girl scratching the windows is *causing damage to a conveyance or facility*. Any person who affixes anything to, marks, paints or writes on a bus or facility is liable for a \$200 fine. If it goes to court, that cost could escalate to \$2,000.
2. **Food, drinks and other damage** – a person who takes anything on to a bus which is likely to spill or stain the bus, or cause damage to that bus, commits an offence with a penalty of \$50. The two students eating and drinking on the bus could also be faced with this fine.
3. **Obstructing the aisle** – the person who has left their bag in the aisle of the bus is committing an offence under *luggage not to obstruct or endanger passengers*. Leaving bags in the aisle of the bus can trip or obstruct people, especially in an emergency. The fine for the offence is \$50.
4. **Arms out the window** – the girl waving her arms outside the window would receive a \$50 fine, which could reach \$250 if taken to court. She could also seriously injure herself.
5. **Throwing things out the window** – the boy who is throwing things out the window would receive a \$50 fine, which could reach \$250 if taken to court. This could also cause an accident for other motorists.
6. **On top of the bus** – the girl who has climbed on top of the bus is *travelling on part of conveyance not intended for conveyance of passengers*. Travelling in an area of the bus not designed for passengers to travel in is incredibly dangerous and could cost her life, especially if the bus was moving. This behaviour will net her a fine of \$200. That fine could reach as much as \$2,000 if taken to court.
7. **Climbing out the window** – the boy who is climbing out of the bus window is *entering or leaving a conveyance other than through a door* which attracts a \$200 penalty. The only correct way to enter and exit the bus is through the allocated doors. If the boy had been waving his arms outside the window he would receive a \$50 fine, which could reach \$250 if taken to court.
8. **Throwing rocks** – the boy throwing rocks at the bus could be charged under the criminal code with *damaging property*, which carries up to a \$12,000 fine or one year imprisonment depending on the outcome of throwing the rock. The worse case scenario would be a bus running off the road due to a driver being hit.
9. **Graffiti** – the person spray painting graffiti on the wall of the interchange would be *possessing things prohibited*, as well as *causing damage to conveyance or facility*. Transit Officers who work at interchanges would most likely issue an immediate summons to appear in court, as well as confiscate the offender's materials. The first charge of possessing carries a \$50 fine and the second charge of *damage* can be anywhere between \$200 and \$2,000 fine.
10. **Fighting on the bus or at the station** – the two boys fighting would be served a summons for *disorderly conduct or violent behaviour* by fighting and most likely be arrested and detained by the Transit Officers. If their actions resulted in someone else being hurt the fine can skyrocket as high as \$36,000 or ten years in prison, depending on the severity of the injuries.

On the Bus**ANSWER SHEET**

- 11. Playing loud music** – the woman playing her stereo loudly on the bus is *creating a noise disturbance* and can be fined \$50 for not using headphones. Loud music at the interchange and while the bus is moving can not only be annoying, but distracting to bus drivers and passengers alike.
- 12. Throwing the football** – the boys throwing their football around the bus could be fined \$50 for *creating a nuisance*. If their football hits or obstructs any other people at the station they could also be fined.
- 13. Removing signs** – the person trying to remove the sign is *interfering with Authority Property* which results in a \$200 fine. If that person wants to fight the charge in court and the judge upholds the charge, the fine can go up to \$2,000.
- 14. Pushing people around** – the girl pushing to get on to the bus is endangering the safety of her friend and could be found to be *causing a nuisance*, receiving a fine of \$50. Pushing and shoving when getting on to a bus can cause people to trip, slip or fall. This behaviour is incredibly dangerous, especially when buses are pulling in to stop, buses weigh around 16,000 kilograms when full and they take a very long time to stop. Drivers can not stop the bus quickly.
- 15. Abusing or assaulting the bus driver** – abusing or assaulting a bus driver carries heavy penalties. As with assaulting a public officer, such as the Transit Officers, the penalty for this action will depend on the severity of the assault and the injuries, psychological and physical, sustained by the victim. *Disorderly conduct* or *violent behaviour* can carry a penalty of up to \$36,000 or ten years in prison.